

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROBERT MITCHELL,

Plaintiff,

vs.

TORRIE CARDER and LUZ A.
RIVERA,

Defendants.

NO. CV-08-083-FVS

ORDER DENYING SECOND MOTION FOR
PRELIMINARY INJUNCTION/TEMPORARY
RESTRAINING ORDER AND MOTION FOR
ENTRY OF DEFAULT

BEFORE THE COURT is Plaintiff's second document titled, "Order to Show Cause for a Preliminary Injunction and a Temporary Restraining Order," which the court liberally construes as a second Motion for Preliminary Injunction and/or Temporary Restraining Order (Ct. Rec. 35), received on May 8, 2008, and noted for hearing on May 9, 2008. Plaintiff, a prisoner at the Monroe Correctional Complex is proceeding *pro se* and *in forma pauperis*; Defendants have not been served in this action.

Petitioner did not properly comply with the time line for setting hearings as provided in LR 7.1(h), Local Rules for the Eastern District of Washington. He is admonished to do so when filing all future motions. Because Plaintiff is proceeding *pro se* the court is proceeding with this motion and has heard it on the date signed below.

1 For the reasons set forth in the court's previous Order denying
2 Plaintiff's Motion for Preliminary Injunction/Temporary Restraining
3 Order (Ct. Rec. 33), **IT IS ORDERED** the present Motion (Ct. Rec. 35) is
4 **DENIED**.

5 Plaintiff also filed a Motion for Entry of Default (Ct. Rec. 31)
6 which he noted for hearing without oral argument on June 2, 2008. In
7 light of the court's directive to Mr. Mitchell to either amend or
8 voluntarily dismiss this action, Defendants have not been required to
9 file an answer. Accordingly, **IT IS ORDERED** the Motion (Ct. Rec. 31)
10 is **DENIED as moot**.

11 **IT IS SO ORDERED.** The District Court Executive is directed to
12 enter this Order and forward a copy to Plaintiff.

13 **DATED** this 16th day of June 2008.
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15 s/ Fred Van Sickle
16 FRED VAN SICKLE
17 SENIOR UNITED STATES DISTRICT JUDGE
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